

REMARKS

The formal objections and rejections of claims 1, 8 and 13 under 35 USC 112, second paragraph, are attended to by editing above that does not narrow the claims so as to invoke any present Festo decision.

The allowability of claims 8 and 13 indicated in the Action is acknowledged appreciatively and accepted by the editing to place these claims in condition for allowance.

The rejection of claim 1 under 35 USC 103 for obviousness from the cited Thomas and Deferme patents relies on disclosure "... wherein the flow cross section is adjusted relative to a position of the piston in the cavity for a constant value of the excessive pressure," of the Thomas patent. However, the patent does not disclose this.

Instead, page 2, lines 37- 48, of the Thomas patent discloses an increasing excessive pressure as the piston position moves toward the ends of its stroke.

The effect of this operation will be to reduce the open area of or gradually close said ports so that the resistance to the passage of the fluid 24 from beneath the piston head to the space above the same will gradually be increased and the flow of the said fluid from one side of the piston head to the other consequently retarded. A fluid cushion of continually increasing resistance will thus be produced the further downward the piston head moves in the cylinder ....

The Thomas and Deferme patents in combination do not provide for a change of flow channel cross section depending on the position of the piston under such constant values of excessive pressure when the flow cross section the valve slit of Deferme patent is smaller than the flow cross section of the channel of Thomas patent because in such situation the flow channel cross section is limited by the flow cross section of the valve slit of Deferme patent

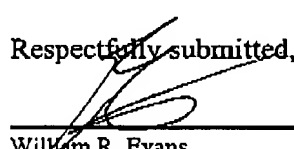
and depends only on the value of excessive pressure as change in flow channel cross section of Thomas patent does not provide for change of area of the valve seat of Deferme patent and consecutively does not provide for change in the force with which the constant excessive pressure acts on the gate in Deferme patent.

Thomas and Deferme patents in combination do not provide for change of the flow cross section of the channel depending on the value of excessive pressure for the values when the flow cross section of the valve slit of Deferme patent is bigger than the flow cross section of the channel of Thomas patent because in such situation the flow channel cross section is limited by the flow cross section of the flow channel of Thomas patent which does not depend on value of excessive pressure.

Reconsideration and allowance of all of claims 1, 8 and 13 is, therefore, requested.

Claim 1 was and is generic to claims 2-7. Therefore, the allowance of claim 1 will permit allowance of claims 2-7, too.

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